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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,) 2:16-CR-139-JCM-(VCF)
)
13 Plaintiff,)
)
14 v.) United States of America's Notice that its
) Interests and Rights Expired in Property
15 ISIAH CATRELL BROWN,) Listed in the Preliminary Order of Forfeiture
)
16 Defendant.)

17 The United States respectfully notifies this Court that its interests and rights in the
18 following property expired pursuant to Title 21, United States Code, Section 853(h):

- 19 1. Berretta, Model 92FS, 9mm semi-automatic handgun, bearing serial number BER
20 598782; and
21 2. any and all ammunition
22 (all of which constitutes property).

23 The United States does not have custody of the property listed in the Preliminary Order of
24 Forfeiture (ECF No. 34).

25 The United States' forfeited interests and rights in the property listed in the Preliminary
26 Order of Forfeiture (ECF No. 34) have expired. "Any property right or interest not exercisable

1 by, or transferrable for value to, the United States shall expire and shall not revert to the
 2 defendant . . .” Title 21, United States Code, Section 853(h); Title 18, United States Code,
 3 Section 1963(f); *see also United States v. Conner*, 603 F. Supp. 2d 890, 896 (W.D. Va. 2009).

4 **MEMORANDUM OF POINTS AND AUTHORITY**

5 On May 11, 2016, a Two-Count Indictment was returned against Isiah Catrell Brown
 6 (Brown). Indictment, ECF No. 16. Brown plead guilty to Count One of the Indictment.
 7 Indictment, ECF No. 16; Change of Plea, ECF No. 33; Plea Agreement, ECF No. 35. On
 8 October 27, 2016, this Court entered the Preliminary Order of Forfeiture as to Brown (ECF No.
 9 34). As part of the plea, the defendant agreed to forfeit the property.

10 The property is not in the custody of the United States and the United States’ forfeited
 11 interests and rights in the property have expired.

12 Based on the foregoing, this Court should enter an order indicating (a) the United States’
 13 interests and rights in the property listed in the Preliminary Order of Forfeiture (ECF No. 34)
 14 have expired; (b) the Preliminary Order of Forfeiture is reversed and is null and void; and (c) the
 15 property listed in the Preliminary Order of Forfeiture (ECF No. 34) will not revert back to the
 16 defendant and/or any person(s) acting in concert with him and/or on his behalf.

17 A proposed order is submitted with this Notice.

18 Dated this 28th day of November, 2016.

19 DANIEL G. BOGDEN
 20 United States Attorney

21 /s/ Daniel D. Hollingsworth
 22 DANIEL D. HOLLINGSWORTH
 23 Assistant United States Attorney
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PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
November 28, 2016.

/s/ Heidi L. Skillin
HEIDI L. SKILLIN
FSA Paralegal

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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**


8 UNITED STATES OF AMERICA,) 2:16-CR-139-JCM-(VCF)
9 Plaintiff,)
10 v.) Order
11 ISIAH CATRELL BROWN,)
12 Defendant.)

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of
14 America's interests and rights expired in:

- 15 1. Berretta, Model 92FS, 9mm semi-automatic handgun, bearing serial number BER
16 598782; and
17 2. any and all ammunition
18 (all of which constitutes property).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Preliminary Order
20 of Forfeiture (ECF No. 34) entered in this case is null and void;

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the above-named
22 property will not revert back to the defendant and/or any person(s) acting in concert with him
23 and/or on his behalf.

24 
25 UNITED STATES DISTRICT JUDGE

26 DATED: January 20, 2017